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*Attorneys for Defendant
Meta Platforms, Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ETHAN ZUCKERMAN,

Plaintiff,

v.

META PLATFORMS, INC.,

Defendant.

Case No. 3:24-CV-02596-JSC

**DECLARATION OF JACOB T.
SPENCER IN SUPPORT OF REQUEST
FOR JUDICIAL NOTICE AND
INCORPORATION BY REFERENCE IN
SUPPORT OF MOTION OF
DEFENDANT META PLATFORMS,
INC. TO DISMISS AMENDED
COMPLAINT**

1 I, Jacob T. Spencer, declare and state as follows:

2 1. I am a partner of the law firm of Gibson, Dunn & Crutcher LLP, and I am admitted *pro*
3 *hac vice* to represent Defendant Meta Platforms, Inc. in the above-captioned case. I make this
4 Declaration in support of Meta's Motion to Dismiss the Amended Complaint. I have personal
5 knowledge of the facts stated in this Declaration and, if called upon, could and would testify
6 competently thereto.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of Meta's current Terms of
8 Service as published or made publicly available on the Facebook website at
9 <https://www.facebook.com/legal/terms> (last accessed July 15, 2024).

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of a blog post titled "*Zuckerman*
11 *vs. Meta Platforms*" as published or made publicly available on the Ethan Zuckerman blog on May 2,
12 2024, and accessible at <https://ethanzuckerman.com/2024/05/02/zuckerman-vs-meta-platforms/>.

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of a publication titled "I Love
14 Facebook. That's Why I'm Suing Meta." by Ethan Zuckerman as published or made publicly available
15 on *The New York Times* website on May 5, 2024 and accessible at
16 <https://www.nytimes.com/2024/05/05/opinion/facebook-court-internet-meta.html>.

17 5. Attached hereto as **Exhibit 4** is a true and correct copy of a publication titled "Professor
18 sues Meta to allow release of feed-killing tool for Facebook" by Ashley Belanger as published or made
19 publicly available on the Ars Technica website on May 9, 2024 and accessible at
20 [https://arstechnica.com/tech-policy/2024/05/professor-sues-meta-to-allow-release-of-feed-killing-](https://arstechnica.com/tech-policy/2024/05/professor-sues-meta-to-allow-release-of-feed-killing-tool-for-facebook/)
21 [tool-for-facebook/](https://arstechnica.com/tech-policy/2024/05/professor-sues-meta-to-allow-release-of-feed-killing-tool-for-facebook/).

22 6. Attached hereto as **Exhibit 5** is a true and correct copy of a publication titled "A
23 professor is suing Facebook over its recommendation algorithms" by Mathew Ingram as published or
24 made publicly available on the Columbia Journalism Review website on May 16, 2024 and accessible
25 at https://www.cjr.org/the_media_today/meta-facebook-lawsuit-algorithms-ethan-zuckerman.php.

26 7. Attached hereto as **Exhibit 6** is a true and correct copy of a publication titled "Why I'm
27 suing Facebook in US federal court" by Ethan Zuckerman as published or made publicly available on
28 the Prospect Magazine website on May 7, 2024 and available at

1 <https://www.prospectmagazine.co.uk/ideas/technology/66018/why-im-suing-facebook-in-us-federal->
2 [court.](https://www.prospectmagazine.co.uk/ideas/technology/66018/why-im-suing-facebook-in-us-federal-)

3 I declare under penalty of perjury that the foregoing is true and correct. Executed on this 15th
4 day of July 2024, at Washington, DC.

5 
6 _____
Jacob T. Spencer